

Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TELEBUYER, LLC,

Plaintiff and
Counterdefendant,

v.

AMAZON.COM, INC., *et al.*,

Defendants and
Counterclaimants.

NO. 2:13-cv-01677-BJR

**TELEBUYER'S OBJECTION
TO AMAZON'S PROPOSED
TECHNICAL ADVISOR
CANDIDATE**

Telebuyer objects to the appointment of Professor Scott Shenker, proposed by Amazon in response to the Court's October 16 Order (D.I. 165 at 11), as a technical advisor in this matter. Professor Shenker is a Faculty Member of AMPLab, a research facility within the University of California, Berkeley, directed to the field of data analysis. (See <https://amplab.cs.berkeley.edu/about/>). Defendant Amazon Web Services is identified as one of three Founding Sponsors of AMPLab (see <https://amplab.cs.berkeley.edu/sponsors/>) and AMPLab touts its close collaboration with its founding sponsors, including specifically Amazon (see <https://www.youtube.com/watch?v=9XizW5Mo1PE>).

///

///

1 Telebuyer respectfully submits that the collaborative relationship between Professor
2 Shenker, AMPLab, and Defendants Amazon.com and Amazon Web Services is
3 inconsistent with the role of a neutral technical advisor in this matter.

4
5 DATED: October 28, 2014.

6 By: /s/ Mark A. Samuels

7 Mark A. Samuels (*pro hac vice*)
8 Brian M. Berliner (*pro hac vice*)
9 Xin-Yi Zhou (*pro hac vice*)
10 O'MELVENY & MYERS LLP
11 400 South Hope Street
12 Los Angeles, CA 90071
13 Telephone: 213.430.6000
14 Facsimile: 213.430.6407
15 Email: msamuels@omm.com;
16 bberliner@omm.com; vzhou@omm.com;

17 Marc J. Pensabene (*pro hac vice*)
18 O'MELVENY & MYERS LLP
19 7 Times Square
20 New York, NY 10036
21 Telephone: 212.326.2070
22 Facsimile: 212.326.2061
23 Email: mpensabene@omm.com

24 Jonathan Crawford (*pro hac vice*)
25 O'MELVENY & MYERS LLP
26 2765 Sand Hill Road
Menlo Park, CA 94025
Telephone: 650.473.2615
Facsimile: 650.473.2601
Email: jcrawford@omm.com

Jeremy E. Roller, WSBA No. 32021
Diana S. Breau, WSBA No. 46112
YARMUTH WILSDON PLLC
818 Stewart Street, Suite 1400
Seattle, WA 98101
Telephone: 206.516.3800
Facsimile: 206.516.3888
Email: jroller@yarmuth.com;
dbreaux@yarmuth.com

*Attorneys for Plaintiff and
Counterdefendant Telebuyer, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Brian D. Buckley
Ewa M. Davison
FENWICK & WEST LLP
1191 Second Avenue, 10th Floor
Seattle, WA 98101
bbuckley@fenwick.com
edavison@fenwick.com

Cassius Kirkpatrick Sims
Gabriel Simeone Gross
S. Giriraj Pathmanaban
James Robert Bender
Matthew John Moore
Patricia Young
Richard G. Frenkel
LATHAM & WATKINS LLP
555 Eleventh Street NW, Ste. 1000
Washington, D.C. 20004
cassius.sims@lw.com
gabe.gross@lw.com
giri.pathmanaban@lw.com
james.bender@lw.com
matthew.moore@lw.com
patricia.young@lw.com
rick.frenkel@lw.com

Attorneys for Defendants

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated: October 28, 2013 at Seattle, Washington.

s/Kelly M. Kennedy

Kelly M. Kenedy, Legal Assistant